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W.P.No.34347 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.34347 of 2024 and

W.M.P.No.37217 of 2024

Dr.R.Vasudevan

...Petitioner

Vs.

1. The Director (Planning Officer)
National Highways Department
Thanjavur District(NH 45C)
Thanjavur.
2. The District Collector,
Cuddalore District.
3. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited,
Anna Salai, Chennai.
4. The Superintending Engineer,
Cuddalore Electricity Distribute Circle,
Cuddalore District.
5. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Bhuvanagiri Taluk,
Cuddalore District.



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6. The Tahsildar
Bhuvanagiri Taluk,
Cuddalore District.

7. The Project Director
NHAI, Project Implementation Unit,
Thanjavur.

8. The Project Manager Patel Infrastructure,
Pappangudi North, Udayarpalayam Taluk,
Ariyalur District-621 903.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondents to erect the high tension tower pole of the petitioner's property situated at Sethiya Thoppu, Bhuvanagiri Taluk, Cuddalore District in S.F.No.67/2A1A to an extent of 12 1/2 cents.

For Petitioner	: Mr.B.Kumaraswamy for M/s.S.Vasanthraman
For Respondent 2	: Mrs.M.Jeyanthi Additional Government Pleader
For Respondent 3 to 5	: M/s.R.Pruthikaa for Mr.D.R.Arun Kumar Standing Counsel (TNEB)
For respondent 6	: Mr.V.Ramesh Government Advocate



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ORDER

The petitioner herein seeks issuance of writ of mandamus forbearing the respondents from erecting high tension tower in the petitioner's property situated in S.F.No.67/2A1A measuring an extent of 12 ½ cents at Sethiya Thoppu, Bhuvanagiri Taluk, Cuddalore District.

2. It is the case of the petitioner that the above mentioned property belonged to him and respondents 3 to 5 are making attempts to erect high tension tower. The remaining properties of the petitioner in the said survey number was acquired for extension of Highways project. Now, the respondents 3 to 5 are making an attempt to erect high tension tower in the above mentioned property and the same was opposed by the petitioner on the ground that there are “poramboke” lands available nearby. It is also stated by the petitioner that without considering the objection raised by the petitioner, the respondents are taking steps to erect high tension tower.

3. The learned counsel for the petitioner submits that when the petitioner objects to erection of high tension tower, the same shall be considered by the



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competent authority and without doing so, the respondents are not entitled to enter the petitioner's land and erect high tension tower. The learned counsel further submits that he received a notice from the 2nd respondent/District Collector in Na.Ka.No.3/2484391/2024 dated 13.11.2024 calling the petitioner for enquiry on 19.11.2024. Even before the enquiry, the respondents 3 to 5 attempted to enter the petitioner's property.

4. Mrs.M.Jeyanthi, learned Additional Government Pleader takes notice for the 2nd respondent and M/s.R.Pruthikaa for Mr.D.R.Arun Kumar, learned Standing Counsel (TNEB) takes notice for the respondents 3 to 5.

5. The learned Additional Government Pleader appearing for the 2nd respondent submits that the objection filed by the petitioner will be considered in accordance with law within a time stipulated by this Court.

6. In view of the same, without going into the merits of the claim made by the petitioner, the 2nd respondent is directed to complete the enquiry initiated by him in his proceedings in Na.Ka.No.3/2484391/2024 dated 13.11.2024



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and pass final orders on merits within a period of four weeks from the date of receipt of copy of this order. Till the objections of the petitioner is considered by the competent authority namely the District Collector/District Magistrate, the respondents 3 to 5 shall not enter the land of the petitioner for the purpose of erection of high tension tower.

7. With these directions, this writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

18.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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National Highways Department
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S.SOUNTHAR, J.

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